

# House Study Bill 263

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL BY  
CHAIRPERSON BELL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to swine, by regulating the control or custody of  
2 swine including feral swine and estray swine, providing for  
3 the hunting of swine, and providing penalties and effective  
4 dates.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2370YC 82  
7 da/je/5

PAG LIN

1 1 SUBCHAPTER I  
1 2 GENERAL PROVISIONS  
1 3 Section 1. NEW SECTION. 171.101 DEFINITIONS.  
1 4 As used in this chapter, unless the context otherwise  
1 5 requires:  
1 6 1. "Authorized department" means the department of  
1 7 agriculture and land stewardship or the department of natural  
1 8 resources.  
1 9 2. "Custody or control" means to keep swine in a manner  
1 10 that prevents the release or escape of the swine from  
1 11 containment at all times, including keeping swine for  
1 12 breeding, growing, or transport.  
1 13 3. "Department" means the department of agriculture and  
1 14 land stewardship.  
1 15 4. "Estray swine" means swine that are not in the custody  
1 16 or control of a responsible party.  
1 17 5. "Feral swine" means swine that are classified as part  
1 18 of the species sus scrofa linnaeus which may be commonly known  
1 19 as Russian boar or European boar of either sex.  
1 20 6. "Hunt" includes any sporting or recreational activity  
1 21 involving pursuing, ambushing, trapping, shooting, wounding,  
1 22 or killing an animal.  
1 23 7. "Landholder" means a titleholder or leaseholder of  
1 24 land.  
1 25 8. "Local authority" means a county as provided in chapter  
1 26 331 or a city as defined in section 362.2.  
1 27 9. "Move" or "movement" means to ship, transport, or  
1 28 deliver swine by land, water, or air.  
1 29 10. "Public land" means land owned by the federal  
1 30 government, the state, or a local authority.  
1 31 11. "Responsible party" means a person who owns or has  
1 32 custody or control of swine, including by providing for the  
1 33 care and feeding of the swine.  
1 34 12. "Swine" means an animal belonging to the order  
1 35 artiodactyla, and classified as part of the family suidae.  
2 1 13. "System" means the feral swine reporting system  
2 2 established pursuant to section 171.205.  
2 3 14. "Take" means to kill or attempt to kill a feral swine  
2 4 by a person other than the owner of the feral swine.  
2 5 Sec. 2. NEW SECTION. 171.102 STATE PUBLIC NUISANCE SWINE  
2 6 ERADICATION POLICY == AGENCY COOPERATION.  
2 7 1. The following classes of swine are declared to be a  
2 8 public nuisance:  
2 9 a. Feral swine, regardless of whether the swine are in a  
2 10 person's custody or control.  
2 11 b. Estray swine.  
2 12 c. Swine which are produced or maintained to provide  
2 13 persons with the opportunity to hunt the swine.  
2 14 2. Swine which are a public nuisance are subject to a  
2 15 policy of eradication as administered by the department of  
2 16 agriculture and land stewardship pursuant to this chapter.

2 17 3. a. The department of agriculture and land stewardship  
2 18 shall be the principal enforcement agency charged with  
2 19 carrying out the policy.  
2 20 b. The department of natural resources shall cooperate  
2 21 with the department of agriculture and land stewardship in  
2 22 carrying out the policy. The authorized departments shall  
2 23 periodically consult about how to most effectively contribute  
2 24 resources and their respective expertise, and divide  
2 25 jurisdictional responsibility, including the assignment of  
2 26 investigative personnel where appropriate. However, the  
2 27 department of natural resources shall regulate hunting  
2 28 preserves under chapter 484B or 484C, and the regulation of  
2 29 persons taking animals under Title XI, subtitle 6.  
2 30 c. The department of agriculture and land stewardship  
2 31 shall cooperate with the animal and plant health inspection  
2 32 service of the United States department of agriculture, and  
2 33 may enter into cooperative agreements with the animal and  
2 34 plant health inspection service in order to carry out the  
2 35 provisions of this chapter.

3 1 SUBCHAPTER II

3 2 FERAL SWINE

3 3 PART A

3 4 GENERAL PROVISIONS

3 5 Sec. 3. NEW SECTION. 171.201 FINDINGS AND DECLARATION.

3 6 1. The general assembly finds all of the following:

3 7 a. Feral swine are known carriers of a variety of diseases  
3 8 including but not limited to pseudorabies, swine brucellosis,  
3 9 leptospirosis, and trichinosis impacting upon this state's  
3 10 domestic livestock herds and especially its domestic swine  
3 11 herds.

3 12 b. Feral swine carry diseases which may be transmitted to  
3 13 human populations.

3 14 c. Feral swine disrupt native wildlife and destroy native  
3 15 habitat.

3 16 d. Feral swine damage or destroy cropland and row crops,  
3 17 including but not limited to corn and soybeans.

3 18 2. a. The general assembly declares that the increased  
3 19 movement of feral swine into this state presents an immediate  
3 20 and serious risk to the state's economy, public health, and  
3 21 ecosystems.

3 22 b. The general assembly further declares that the state  
3 23 establishes a policy to eradicate all feral swine from this  
3 24 state with all possible speed.

3 25 PART B

3 26 REPORTING

3 27 Sec. 4. NEW SECTION. 171.205 FERAL SWINE REPORTING  
3 28 SYSTEM.

3 29 The department of agriculture and land stewardship shall  
3 30 establish a feral swine reporting system, in cooperation with  
3 31 the department of natural resources.

3 32 1. The system may include receipt of reports by any of the  
3 33 following:

3 34 a. Automated toll-free telephone number.

3 35 b. Postcard.

4 1 c. Electronic communication at an electronic licensing  
4 2 location.

4 3 d. Electronic communication to the department, including  
4 4 by the internet.

4 5 2. The department of natural resources shall maintain a  
4 6 database of information collected by the system which shall be  
4 7 made available to the department of agriculture and land  
4 8 stewardship.

4 9 3. The system shall allow persons to conveniently report  
4 10 the presence of a feral swine to an authorized department.  
4 11 Either authorized department may conduct the investigation or  
4 12 refer the report to the local authority responsible for the  
4 13 prevention and detection of crime in the jurisdiction where  
4 14 the swine is found.

4 15 4. The system shall provide for reports by persons who  
4 16 have taken or injured feral swine in this state. The report  
4 17 shall include at least all of the following:

4 18 a. The name and address of the person who has taken or  
4 19 injured the feral swine.

4 20 b. The county and township where the feral swine were  
4 21 taken or injured.

4 22 c. The date when the feral swine were taken or injured.

4 23 d. The number of feral swine found by the person on the  
4 24 date when the feral swine were taken or injured.

4 25 Sec. 5. NEW SECTION. 171.206 REQUIREMENTS.

4 26 1. A person who takes or injures a feral swine shall  
4 27 submit a report to an authorized department as provided in

4 28 section 171.205 within ten days after taking the swine.  
4 29 2. A person who kills a feral swine shall retain the  
4 30 carcass for examination by the authorized department. The  
4 31 authorized department may temporarily or permanently  
4 32 confiscate the carcass for purposes of analysis including  
4 33 disease testing.

4 34 Sec. 6. NEW SECTION. 171.207 PENALTY.

4 35 A person who violates section 171.206 is subject to a civil  
5 1 penalty of not more than one hundred dollars. The moneys  
5 2 collected by the department shall be deposited into the  
5 3 general fund of the state.

5 4 PART C

5 5 CUSTODY AND CONTROL

5 6 Sec. 7. NEW SECTION. 171.209 PROHIBITIONS.

5 7 A person shall not do any of the following:

5 8 1. Move a feral swine into or within this state.

5 9 2. Release or allow the escape of a feral swine from the  
5 10 person's custody or control.

5 11 3. Acquire custody or control of a feral swine in this  
5 12 state.

5 13 4. Maintain custody or control of a feral swine in this  
5 14 state on or after August 1, 2007.

5 15 Sec. 8. NEW SECTION. 171.210 PENALTY AND DISCIPLINARY  
5 16 ACTION.

5 17 1. A person who violates section 171.209 is guilty of an  
5 18 aggravated misdemeanor. A person is guilty of a separate  
5 19 offense for each feral swine which is the subject of the  
5 20 violation.

5 21 2. Upon conviction of violating section 171.209, a court  
5 22 may, as part of the judgment, revoke or suspend a license  
5 23 issued pursuant to chapter 481A or 483A for any definite  
5 24 period of time.

5 25 Sec. 9. NEW SECTION. 171.211 INJUNCTIVE RELIEF.

5 26 A court may prevent and restrain a violation of section  
5 27 171.209 through the issuance of an injunction. The attorney  
5 28 general or a county attorney shall institute an action on  
5 29 behalf of the state to prevent or restrain a violation of  
5 30 section 171.209.

5 31 Sec. 10. NEW SECTION. 171.212 STATE INVESTIGATORY AND  
5 32 LEGAL EXPENSES.

5 33 A person convicted of violating section 171.209 is liable  
5 34 for all of the following:

5 35 1. The amount to indemnify the state or a local authority  
6 1 for investigative and eradication expenses incurred by the  
6 2 state or the local authority. The amount of the  
6 3 indemnification shall not exceed ten thousand dollars for each  
6 4 feral swine involved in the violation. The amount paid for  
6 5 indemnification shall be deposited in the general fund of the  
6 6 state. However, if the investigation or eradication is not  
6 7 conducted by an authorized department or other state agency,  
6 8 the amount shall be paid to the local authority which conducts  
6 9 the investigation or eradication for deposit in the general  
6 10 fund of the county or city, as the case requires.

6 11 2. If the attorney general or a county attorney is the  
6 12 prevailing party in an action for a violation of section  
6 13 171.209, the prevailing party shall be awarded court costs and  
6 14 reasonable attorney fees, which shall be taxed as part of the  
6 15 costs of the action. If the attorney general is the  
6 16 prevailing party, the moneys shall be deposited in the general  
6 17 fund of the state. If the county is the prevailing party, the  
6 18 moneys shall be deposited in the general fund of the county.

6 19 Sec. 11. NEW SECTION. 171.213 STRICT LIABILITY ==  
6 20 ATTORNEY FEES.

6 21 If a person is convicted of violating section 171.209, the  
6 22 person is strictly liable for any injury to a person or  
6 23 damages to the property of a person caused by the violation.  
6 24 The person who is the prevailing plaintiff in the case shall  
6 25 be awarded court costs and reasonable attorney fees, which  
6 26 shall be taxed as part of the costs of the action.

6 27 Sec. 12. NEW SECTION. 171.214 TAKING OR CAPTURING FERAL  
6 28 SWINE BY THE DEPARTMENT OR A LOCAL AUTHORITY.

6 29 An authorized department or local authority may take or  
6 30 capture feral swine which are maintained on land in violation  
6 31 of section 171.209, if one of the following applies:

6 32 1. The landowner provides consent.

6 33 2. The authorized department or local authority has  
6 34 credible reason to believe that feral swine are on the land.  
6 35 The authorized department or local authority may enter onto  
7 1 the land pursuant to a warrant issued by a court, or otherwise  
7 2 enter onto the land in a manner consistent with the laws of  
7 3 this state and the United States, including Article I, section

7 4 8, of the Constitution of the State of Iowa, or the fourth  
7 5 amendment to the Constitution of the United States.

7 6 PART D  
7 7 INDEMNIFICATION

7 8 Sec. 13. NEW SECTION. 171.221 FERAL SWINE INDEMNITY  
7 9 FUND.

7 10 1. A feral swine indemnity fund is created as a separate  
7 11 fund in the state treasury under the control of the  
7 12 department. The general fund of the state is not liable for  
7 13 claims presented against the indemnity fund.

7 14 2. The feral swine indemnity fund consists of any moneys  
7 15 appropriated by the general assembly and any other moneys  
7 16 available to and obtained or accepted by the department from  
7 17 the federal government or private sources for placement in the  
7 18 fund. Notwithstanding section 12C.7, subsection 2, interest  
7 19 or earnings on moneys deposited in the fund shall be credited  
7 20 to the fund.

7 21 3. The moneys deposited in the feral swine indemnity fund  
7 22 are appropriated to the department exclusively for paying  
7 23 claims of persons who purchased feral swine on or before the  
7 24 effective date of this Act.

7 25 4. In order to be eligible to file a claim for  
7 26 indemnification, a person shall do all of the following:

7 27 a. File an application, including supporting  
7 28 documentation, with the department as required by the  
7 29 department pursuant to procedures established by the  
7 30 department. The application shall state the amount of the  
7 31 claim. The application shall be filed with the department not  
7 32 later than September 30, 2007.

7 33 b. Relinquish custody or control of the feral swine to an  
7 34 authorized department or a local authority, as required by the  
7 35 department of agriculture and land stewardship.

8 1 5. The department shall determine the validity of a claim  
8 2 which is submitted by an eligible person as part of the  
8 3 application for indemnification as provided in this section.  
8 4 The dollar value of the claim shall be based on a formula  
8 5 established by rule and adopted by the department. The  
8 6 formula shall provide for the payment of the fair market value  
8 7 of the feral swine based on market prices paid for similar  
8 8 swine according to categories or criteria established by the  
8 9 department.

8 10 6. Upon a determination that the amount claimed in a  
8 11 person's application is valid, the department shall provide  
8 12 for payment of one hundred percent of the amount claimed. The  
8 13 department shall pay all valid claims not later than January  
8 14 1, 2008. If the department determines that there are  
8 15 insufficient moneys in the feral swine indemnity fund to fully  
8 16 satisfy the amounts claimed in valid applications submitted by  
8 17 all eligible persons, the department shall prorate the amount  
8 18 paid to all eligible persons.

8 19 7. A person's submission of an application under this  
8 20 section constitutes a waiver of any further claim by the  
8 21 person against the state regarding the feral swine.

8 22 8. This section is repealed on July 1, 2008. Any moneys  
8 23 remaining in the feral swine indemnity fund on that date shall  
8 24 be distributed as follows:

8 25 a. The amount of moneys which were contributed to the fund  
8 26 by persons other than a state or federal government source  
8 27 shall be refunded to the respective persons. If the  
8 28 department determines that there are insufficient moneys in  
8 29 the fund to fully satisfy the amounts for refunds to all  
8 30 persons, the department shall prorate the amount of refunds  
8 31 paid to those persons based on their contributions.

8 32 b. Any remaining moneys that were appropriated by a state  
8 33 or federal government source shall be repaid to that source.  
8 34 If the department determines that there are insufficient  
8 35 moneys in the fund to fully satisfy the amounts for repayments  
9 1 to such sources, the department shall prorate the amounts  
9 2 repaid to such sources based on the amounts appropriated.

9 3 9. This section does not imply any guarantee or obligation  
9 4 on the part of the state of Iowa, the department of  
9 5 agriculture and land stewardship, or any state agency,  
9 6 employee, or official, either elective or appointive.

9 7 SUBCHAPTER III  
9 8 ESTRAY SWINE

9 9 Sec. 14. NEW SECTION. 171.301 ORDINARY LIABILITY.

9 10 Nothing in this subchapter affects a responsible party's  
9 11 liability which arises out of estray swine and any remedies  
9 12 available to an injured party, as provided under statute,  
9 13 common law, or contract.

9 14 Sec. 15. NEW SECTION. 171.302 TAKING OR CAPTURING ESTRAY

9 15 SWINE BY THE DEPARTMENT OR A LOCAL AUTHORITY.  
9 16 An authorized department or local authority may take or  
9 17 capture estray swine on public land. An authorized department  
9 18 or local authority may take or capture estray swine on land  
9 19 other than public land if one of the following applies:  
9 20 1. The landowner provides consent.  
9 21 2. The authorized department or local authority has  
9 22 credible reason to believe that an estray swine is on the  
9 23 land. The authorized department or local authority may enter  
9 24 onto the land pursuant to a warrant issued by a court, or  
9 25 otherwise enter onto the land in a manner consistent with the  
9 26 laws of this state and the United States, including Article I,  
9 27 section 8, of the Constitution of the State of Iowa, or the  
9 28 fourth amendment to the Constitution of the United States.  
9 29 Sec. 16. NEW SECTION. 171.303 TAKING OF ESTRAY SWINE BY  
9 30 A PERSON OTHER THAN AN AUTHORIZED DEPARTMENT OR A LOCAL  
9 31 AUTHORITY == CRIMINAL PENALTY.

9 32 A person other than an authorized department or a local  
9 33 authority may take an estray swine only as provided in this  
9 34 section.  
9 35 1. The person may take the estray swine at any time  
10 1 regardless of whether the person has been issued a license  
10 2 under chapter 483A, unless a person's hunting license has been  
10 3 suspended or revoked as provided in chapter 481A, including  
10 4 but not limited to section 481A.134, or chapter 483A,  
10 5 including but not limited to section 483A.21.  
10 6 2. a. The person shall not take or capture an estray  
10 7 swine on public land unless in compliance with regulations  
10 8 adopted by rule of the department of natural resources or an  
10 9 ordinance of the local authority that is responsible for the  
10 10 public land.  
10 11 b. The person shall not take or capture an estray swine on  
10 12 land other than public land unless the landowner provides  
10 13 consent.  
10 14 3. A person who violates this section is guilty of a  
10 15 simple misdemeanor. A person is guilty of a separate offense  
10 16 for each estray swine which is the subject of the violation.

#### 10 17 SUBCHAPTER IV

#### 10 18 HUNTING

10 19 Sec. 17. NEW SECTION. 171.401 HUNTS AND SCHEDULE OF  
10 20 HUNTS == PENALTY.

10 21 1. Except as provided in subsection 2, a person  
10 22 maintaining custody or control of swine shall not provide  
10 23 persons with the opportunity to hunt the swine.  
10 24 2. a. A person maintaining custody or control of swine  
10 25 shall not provide for a hunt of the swine if the person sold  
10 26 or offered to sell the hunt, or scheduled a date or time for  
10 27 the hunt, on or after April 15, 2007.  
10 28 b. A person maintaining custody or control of swine who  
10 29 provides persons with the opportunity to hunt the swine shall  
10 30 report the schedule of all hunts of the swine to the  
10 31 department not later than May 15, 2007, according to  
10 32 procedures required by the department.  
10 33 c. This subsection is repealed on July 1, 2008.  
10 34 3. A person who violates this section is subject to a  
10 35 civil penalty of not more than one thousand dollars. The  
11 1 amount of civil penalties collected by the department shall be  
11 2 deposited in the general fund of the state.

11 3 Sec. 18. NEW SECTION. 171.402 TAKING OR CAPTURING SWINE  
11 4 BY AN AUTHORIZED DEPARTMENT OR A LOCAL AUTHORITY.

11 5 An authorized department or local authority may take or  
11 6 capture swine which are maintained on land in violation of  
11 7 section 171.401 if one of the following applies:  
11 8 1. The landowner provides consent.  
11 9 2. The authorized department or local authority has  
11 10 credible reason to believe that swine are on the land. The  
11 11 authorized department or local authority may enter onto the  
11 12 land pursuant to a warrant issued by a court, or otherwise  
11 13 enter onto the land in a manner consistent with the laws of  
11 14 this state and the United States, including Article I, section  
11 15 8, of the Constitution of the State of Iowa, or the fourth  
11 16 amendment to the Constitution of the United States.

#### 11 17 CONFORMING AMENDMENTS

11 18 Sec. 19. Section 170.6, Code 2007, is amended by adding  
11 19 the following new subsection:

11 20 NEW SUBSECTION. 3. The department shall revoke a fence  
11 21 certification issued pursuant to section 170.4 or disapprove a  
11 22 person's application for the certification of a fence pursuant  
11 23 to that section for a period of three years if the person  
11 24 violates a provision of section 171.209 or 171.401.

11 25 Sec. 20. Section 484B.13, Code 2007, is amended to read as

11 26 follows:

11 27 484B.13 ~~LICENSE REFUSAL DISCIPLINARY ACTION.~~

11 28 1. The department may either refuse to issue, refuse to  
11 29 renew, or suspend or revoke a person's hunting preserve  
11 30 operator's license issued pursuant to section 484B.4 if the  
11 31 department finds that the licensed area or the operator or  
11 32 employees of the licensed area are not in compliance with this  
11 33 chapter, or that the property or area is operated in violation  
11 34 of this chapter or administrative rules adopted under this  
11 35 chapter.

12 1 2. The department shall revoke a person's hunting preserve  
12 2 operator's license issued pursuant to section 484B.4, or  
12 3 disapprove a person's application for a hunting preserve  
12 4 operator's license issued under that section, for a period of  
12 5 three years if the person violates a provision of section  
12 6 171.209 or 171.401.

12 7 Sec. 21. Section 484C.13, Code 2007, is amended by adding  
12 8 the following new subsection:

12 9 NEW SUBSECTION. 4. The department shall revoke a fence  
12 10 certification issued pursuant to section 484C.6 or disapprove  
12 11 a person's application for the certification of a fence issued  
12 12 pursuant to that section for a period of three years if the  
12 13 person violates a provision of section 171.209 or 171.401.

12 14 Sec. 22. ADOPTION OF RULES. The department of agriculture  
12 15 and land stewardship shall adopt all rules necessary to  
12 16 administer this Act by July 1, 2007. If the department adopts  
12 17 the rules pursuant to section 17A.4, subsection 2, and section  
12 18 17A.5, subsection 2, it shall immediately readopt the rules as  
12 19 provided in section 17A.4, subsection 1, and section 17A.5,  
12 20 subsection 1.

12 21 Sec. 23. CONTINGENT EFFECTIVE DATE. Section 171.221, as  
12 22 enacted in this Act, takes effect upon the appropriation of  
12 23 moneys into the feral swine indemnity fund by July 1, 2007.

12 24 Sec. 24. EFFECTIVE DATE. Except as provided in that  
12 25 section of this Act providing for the effective date of Code  
12 26 section 171.221, this Act, being deemed of immediate  
12 27 importance, takes effect upon enactment.

12 28 EXPLANATION

12 29 BACKGROUND. This bill establishes a new Code chapter 171  
12 30 which provides for the regulation of swine classified as a  
12 31 public nuisance, including feral swine and estray swine. The  
12 32 bill provides that such swine are considered to be a public  
12 33 nuisance and subject to a policy of eradication. The bill's  
12 34 provisions are to be administered by the department of  
12 35 agriculture and land stewardship in cooperation with the  
13 1 department of natural resources (authorized department). The  
13 2 department of agriculture and land stewardship must also  
13 3 cooperate with the animal and plant health inspection service  
13 4 of the United States department of agriculture.

13 5 FERAL SWINE. The bill defines a feral swine as a swine  
13 6 classified as part of the species *sus scrofa linnaeus*, and  
13 7 commonly referred to as a Russian boar or European boar. The  
13 8 bill establishes a feral swine reporting system (system). The  
13 9 system includes methods for persons to report findings of  
13 10 feral swine to an authorized department for purposes of  
13 11 investigation. It requires that a person who takes (kills or  
13 12 attempts to kill) or who injures a feral swine must report the  
13 13 information to an authorized department. A person who kills a  
13 14 feral swine must also retain the carcass for examination by  
13 15 the authorized department. A person not complying with the  
13 16 requirements is subject to a civil penalty of not more than  
13 17 \$100.

13 18 The bill prohibits a person from moving a feral swine into  
13 19 this state, releasing a feral swine from the person's custody  
13 20 or control, acquiring custody or control of a feral swine in  
13 21 this state, or maintaining custody or control of a feral swine  
13 22 in this state on or after August 1, 2007. A person who  
13 23 violates one of these provisions is guilty of an aggravated  
13 24 misdemeanor. An aggravated misdemeanor is punishable by  
13 25 confinement for no more than two years and a fine of at least  
13 26 \$625 but not more than \$6,250. A court may also revoke or  
13 27 suspend the person's hunting license. The bill authorizes a  
13 28 court to prevent and restrain violations of the provisions  
13 29 through the issuance of injunctions. A person who is  
13 30 convicted of the offense must indemnify the state or a local  
13 31 authority for expenses related to investigation and  
13 32 enforcement. The attorney general or a county attorney who  
13 33 prevails in the enforcement action is entitled to receive  
13 34 court costs and reasonable attorney fees. The person is also  
13 35 strictly liable for any injury to or damages to the property  
14 1 of a person caused by the offense.

14 2 The bill establishes an indemnification fund and provides  
14 3 that a person who purchased feral swine on and after the  
14 4 effective date of the bill may file a claim with the  
14 5 department of agriculture and land stewardship for  
14 6 indemnification after applying to the department and  
14 7 relinquishing custody or control of the feral swine to the  
14 8 department. The amount of the indemnification is based on  
14 9 rules adopted by the department and the amount of the claims  
14 10 may be prorated depending upon the number of claims submitted  
14 11 to the department and the amount of available moneys in the  
14 12 fund. The bill eliminates the fund on July 1, 2008.

14 13 ESTRAY SWINE. The bill provides that an authorized  
14 14 department or a local authority may take or capture stray  
14 15 swine on public land or on private land with the owner's  
14 16 consent or after obtaining a court order. The bill provides  
14 17 that another person may also take the swine regardless of  
14 18 whether the person has been issued a hunting license on public  
14 19 land as allowed by the government entity having jurisdiction  
14 20 over the public land, or on private land if the landowner  
14 21 provides consent.

14 22 HUNTING. The bill prohibits a person from organizing a  
14 23 swine hunt. It provides an exception allowing a person to  
14 24 schedule a swine hunt on or after April 15, 2007. The person  
14 25 must report a hunt to the department by May 15, 2007. The  
14 26 exception is repealed July 1, 2008. A person who acts in  
14 27 violation of the prohibition is subject to a civil penalty of  
14 28 not more than \$1,000. An authorized department may enter onto  
14 29 land and capture the swine if the landowner provides consent  
14 30 or the department obtains a court order.

14 31 FENCE CERTIFICATIONS AND HUNTING PRESERVE LICENSES. The  
14 32 bill provides that a person who violates provisions of the  
14 33 bill relating to keeping feral swine or providing for hunts of  
14 34 swine is also subject to disciplinary action which may affect  
14 35 business related to keeping wild animals. The department of  
15 1 agriculture and land stewardship must revoke a fence  
15 2 certification issued to a person involved in the business of  
15 3 keeping farm deer, or disapprove an application for a fence  
15 4 certification submitted by such a person. The department of  
15 5 natural resources must suspend or revoke a hunting preserve  
15 6 operator's license, or refuse to issue or renew the license.  
15 7 The department of natural resources must revoke a fence  
15 8 certification issued to a person involved in the business of  
15 9 keeping preserve whitetail, or disapprove an application for a  
15 10 fence certification submitted by such a person. The  
15 11 disciplinary action is for three years.

15 12 EFFECTIVE DATES. The provision creating a feral swine  
15 13 indemnity fund takes effect upon an appropriation of moneys  
15 14 made to the fund. Otherwise, the bill takes effect upon  
15 15 enactment.

15 16 LSB 2370YC 82  
15 17 da:nh/je/5